



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103**

Mr. Donald Wambsgans
Program Manager
Air Resources Management Division
Environmental Regulation Administration
2100 Martin Luther King, Jr. Ave, SE
Washington, D.C. 20020

Dear Mr. Wambsgans:

On March 2, 1999, the United States Court of Appeals for the District of Columbia Circuit issued its opinion in Environmental Defense Fund (EDF) v. Environmental Protection Agency, No. 97-1637, that the Environmental Protection Agency (EPA) must make an affirmative determination that submitted motor vehicle emission budgets contained in State Implementation Plans (SIPs) will not cause or increase violations or delay attainment of the National Ambient Air Quality Standards before they are used to determine the conformity of Transportation Improvement Program (TIPs) Plans or Long Range Transportation Plans. In addition, EPA agreed to make these submitted budgets available for public comment and respond to those comments when announcing our determination of their adequacy.

On May 25, 1999, EPA received SIP revision #DC035-2015 containing revised 1999 Rate of Progress (ROP) motor vehicle emissions budgets for NO_x and VOC for the Washington area ozone nonattainment area. On June 2, 1999, the availability of those budgets was posted on EPA's WEB site for the purpose of soliciting public comment. The comment period closed on July 15, 1999 and no comments were received.

We have reviewed the ROP budgets in accordance with the procedures and criteria for review in the following sections of the Conformity Rule: 40CFR Part 93, Sections §93.118(e)(4)(i) through (e)(4)(vi). The results of this review are detailed in Enclosure #1. Based on its review, EPA has determined that the ROP budgets are adequate. As required in our agreement with EDF, we will be posting our determination on EPA's WEB site and we will also announce our determination in the Federal Register. That announcement should be made in the next couple of weeks. As per our agreement with EDF, the budgets will become effective 15 days after the Federal Register announcement.

If you or your staff have any questions please feel free to contact Robert Kramer, Chief, Energy, Radiation and Indoor Environment Branch at (215) 814-2704, or Paul Wentworth at (215) 814-2183.

Sincerely,

Judith M. Katz, Director
Air Protection Division

Enclosure

cc: Howard Simons (MDOT)
 Steve Rapley (FHWA,MD)
 Susan Stephenson (BMC)
 Dianne Franks(MDE)

Enclosure #1
Transportation Conformity Adequacy Review

Control Strategy SIP Revision Reviewed: State Implementation Plan (SIP) Revision Reasonable Further Progress for 1999 Plan date: April 16, 1999			Date of SIP Revision Receipt by EPA Region III
Reviewer: Paul T. Wentworth			May 25, 1999
Review Date:			
Transportation Conformity Rule 40 CFR	Review Criteria	Is Criterion Satisfied? Y/N	Reference SIP Document/Comments
Sec. 93.118(e)(4)(I)	The submitted control strategy implementation plan revision or maintenance plan was endorsed by the Governor (or his or her designee) and was subject to a State public hearing.	Y	May 24, 1999 letter from Theodore J. Gordon, Deputy Director of Health to Michael McCabe, Regional Administrator
Sec. 93.118(e)(4)(ii)	Before the control strategy implementation plan or maintenance plan was submitted to EPA, consultation among federal, State, and local agencies occurred; full implementation plan documentation was provided to EPA, and EPA's stated concerns, if any, were addressed.	Y	See Phase I Plan Section 2.6, Page 2-12 for a description of the process. Only one organization, Earth Justice Legal Defense Fund submitted comments to Maryland, Virginia, and the District of Columbia
Sec. 93.118(e)(4)(iii)	The motor vehicle emissions budget(s) is clearly identified and precisely quantified.	Y	The motor vehicle emissions budget(s) is clearly identified and precisely quantified on page 7-2 of the plan.

Sec. 93.118(e)(4)(iv)	The motor vehicle emissions budget(s), when considered together with all other emissions sources, is consistent with applicable requirements for reasonable further progress, attainment, or maintenance (whichever is relevant to the given implementation plan submission).	Y	
Sec. 93.118(e)(4)(v)	The motor vehicle emissions budget(s) is consistent with and clearly related to the emissions inventory and the control measures in the submitted control strategy implementation plan revision or maintenance plan.	Y	Budgets that meet this criteria are identified on page 7-2 : VOC= 128.5 tons/day NOX= 196.4 tons/day
Sec. 93.118(e)(4)(vi)	Revisions to previously submitted control strategy implementation plans or maintenance plans explain and document any changes to previously submitted budgets and control measures; impacts on point and area source emissions; any changes to established safety margins (see Sec. 93.101 for definition), and reasons for the changes (including the basis for any changes related to emission factors or estimates of vehicle miles traveled).	Y	The document presents the Revised Phase I State Implementation Plan (SIP). It provides revised estimates of 1999 mobile source emissions in the Washington region